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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, JULY 15, 1999

APPLICATION OF

COMM SOUTH COMPANIES OF VIRGINIA, INC.

CASE NO. PUC990037

For a certificate of public
convenience and necessity
to provide local exchange
telecommunications services

ORDER FOR NOTICE AND HEARING

On June 25, 1999, Comm South Companies of Virginia, Inc. ("Comm South" or "Applicant") completed an application for a certificate of public convenience and necessity ("certificate") requesting authority to provide local exchange telecommunications services throughout the Commonwealth of Virginia.

In its application, Comm South states that it is a non-facilities-based reseller that proposes to offer its customers prepaid, month-to-month local telephone service, which blocks access to toll services, operator services (including collect and third-party calls), and directory assistance. Comm South proposes to provide unlimited local calling, access to 911 emergency services and 1-800 toll free dialing, without the imposition of credit checks or deposit requirements.

In order to provide this prepaid, month-to-month service, Comm South requests a waiver of certain provisions of Rule C 1 of the Commission's Rules Governing the Offering of Competitive Local Exchange Telephone Service ("Local Rules"), 20 VAC 5-400-180, requiring a new entrant, either directly or through arrangements with others, to provide access to directory assistance, access to operator services, equal access to interLATA long distance carriers and a waiver of Rule C 5, which requires access to intraLATA services to all local exchange customers. Comm South further requests a waiver of Rule D 3 of the Local Rules, limiting the proposed rate for local exchange services provided by the new entrant not to exceed the highest of the comparable tariffed services provided by the incumbent local exchange telephone company or companies in the same local serving areas.

NOW UPON CONSIDERATION of the filing, the Commission is of the opinion that Comm South's application should be docketed; that the Applicant should give notice to the public of its application; that the Commission Staff should conduct an investigation into the reasonableness of the application and present its findings in a Staff report; and that a public hearing should be convened to receive evidence relevant to Comm South's application.

Accordingly, IT IS THEREFORE ORDERED THAT:

(1) This case is docketed and assigned Case No. PUC990037.

(2) A public hearing for the purpose of receiving evidence relevant to Comm South's application is scheduled for September 28, 1999, at 10:15 a.m. in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia.

(3) On or before July 30, 1999, the Applicant shall complete publication of the following notice, which may be published on one occasion as classified advertising, in newspapers having general circulation throughout the Applicant's proposed service territory:

NOTICE TO THE PUBLIC OF AN APPLICATION
BY COMM SOUTH COMPANIES OF VIRGINIA, INC.,
FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE LOCAL EXCHANGE
TELECOMMUNICATIONS SERVICES THROUGHOUT THE
COMMONWEALTH OF VIRGINIA
CASE NO. PUC990037

On June 25, 1999, Comm South Companies of Virginia, Inc. ("Comm South" or "Applicant") completed an application for a certificate of public convenience and necessity ("certificate") requesting authority to provide local exchange telecommunications services throughout the Commonwealth of Virginia.

In its application, Comm South states that it is a non-facilities-based reseller that proposes to offer its customers prepaid, month-to-month local telephone service, which blocks access to toll services, operator services (including

collect and third-party calls), and directory assistance. Comm South proposes to provide unlimited local calling, access to 911 emergency services and 1-800 toll free dialing, without the imposition of credit checks or deposit requirements. This proposed service will be priced higher than comparable local telephone services provided by the incumbent local exchange carrier. Comm South seeks a waiver of the Commission's Rules to provide this restricted prepaid local exchange telephone service.

A public hearing on Comm South's application will be convened on September 28, 1999, at 10:15 a.m. in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia, to hear evidence relevant to its application for a certificate to provide local exchange services.

Copies of the application are available for public inspection between the hours of 8:15 a.m. and 5:00 p.m. in the Commission's Document Control Center located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, or can be requested from Comm South's counsel, Eric M. Page, Esquire, LeClair Ryan, P.C., Innsbrook Corporate Center, 4201 Dominion Boulevard, Suite 200, Glen Allen, Virginia 23060.

Any person desiring to comment in writing on Comm South's application may do so by directing such comments on or before August 20, 1999, to the Clerk of the Commission, at the address listed below. Written comments must refer to Case No. PUC990037.

Any person desiring to make a statement at the public hearing concerning Comm South's application need only appear in the Commission's second floor courtroom at

9:45 a.m. on the day of the hearing and identify himself or herself as a public witness to the Commission's Bailiff.

Any person who expects to submit evidence, cross-examine witnesses, or otherwise participate in the proceedings as a Protestant, pursuant to Rule 4:6 of the Commission's Rules of Practice and Procedure, should promptly obtain a copy of the Order for Notice and Hearing from the Clerk of the Commission for full details of the procedural schedule and instructions on participation.

Individuals with disabilities who require an accommodation to participate in the hearing should contact the Commission at least seven (7) days before the scheduled hearing date at 1-800-552-7945 (voice) or 1-804-371-9206 (TDD).

All written communications to the Commission concerning Comm South's application should be directed to Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, and should refer to Case No. PUC990037.

COMM SOUTH COMPANIES OF VIRGINIA, INC.

(4) On or before July 30, 1999, Applicant shall give notice of its application to each local exchange telephone carrier certificated in Virginia by personal delivery or by first-class mail, postage prepaid, to the customary place of business or residence of the person served. A current list of those carriers and their addresses is attached as Appendix A.

(5) On or before August 6, 1999, the Applicant shall prefile with the Commission an original and fifteen (15) copies

of any additional direct testimony it intends to present at the public hearing. Copies shall also be served on any person who files a Notice of Protest.

(6) Any person desiring to comment in writing on Comm South's application may do so by directing such comments on or before August 20, 1999, to the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. Comments must refer to Case No. PUC990037. Any persons desiring to make a statement at the public hearing concerning the application need only appear in the Commission's second floor courtroom at 9:45 a.m. on the day of the hearing and identify himself or herself to the Bailiff as a public witness.

(7) On or before August 20, 1999, any person desiring to participate as a Protestant as defined in Rule 4:6 of the Commission's Rules of Practice and Procedure ("Rules") shall file an original and fifteen (15) copies of a Notice of Protest as provided in Rule 5:16(a) and shall serve a copy of the same on Comm South's counsel, Eric M. Page, Esquire, LeClair Ryan, P.C., Innsbrook Corporate Center, 4201 Dominion Boulevard, Suite 200, Glen Allen, Virginia 23060.

(8) Any person who expects to submit evidence, cross-examine witnesses, or otherwise participate in the proceeding as a Protestant pursuant to Rule 4:6 shall file on or before August 27, 1999, an original and fifteen (15) copies of its

Protest with the Clerk of the Commission at the address listed above, referring to Case No. PUC990037, and shall on the same day mail a copy thereof to Comm South's counsel, Eric M. Page, Esquire, LeClair Ryan, P.C., Innsbrook Corporate Center, 4201 Dominion Boulevard, Suite 200, Glen Allen, Virginia 23060, and to any other Protestants. The Protest shall set forth (i) a precise statement of the interest of the Protestant in the proceeding; (ii) a full and clear statement of the facts which the Protestant is prepared to prove by competent evidence; and (iii) a statement of the specific relief sought and the legal basis therefor. Any corporate entity that wishes to submit evidence, cross-examine witnesses, or otherwise participate as a Protestant must be represented by legal counsel in accordance with the requirement of Rule 4:8 of the Commission's Rules.

(9) On or before August 27, 1999, each Protestant shall file with the Clerk of the Commission an original and fifteen (15) copies of the prepared testimony and exhibits the Protestant intends to present at the hearing, and shall on the same day mail a copy of the same to counsel for Comm South and other Protestants. Service upon counsel for Comm South shall be made at the address set forth above.

(10) The Commission Staff shall analyze the reasonableness of Comm South's application and present its findings in a Staff Report to be filed on or before September 13, 1999.

(11) On or before September 13, 1999, if necessary, the Commission Staff may file with the Clerk of the Commission an original and fifteen (15) copies of any prepared testimony and exhibits it intends to present at the public hearing. A copy of the Staff direct testimony shall be mailed to the counsel for the Applicant and to each Protestant.

(12) On or before September 20, 1999, the Applicant shall file with the Clerk of the Commission an original and fifteen (15) copies of any testimony it expects to introduce in rebuttal to any direct prefiled testimony of Staff and Protestants. A copy of the rebuttal testimony shall be mailed to Staff and each Protestant by overnight delivery.

(13) At the commencement of the hearing scheduled herein, Comm South shall provide to the Commission proof of the notice and service required by ordering paragraphs (3) and (4) herein.

(14) The Applicant shall respond to written interrogatories or data requests within seven (7) days after receipt of the same. Protestants shall provide to the Applicant, other Protestants and Staff any workpapers or documents used in preparation of their prefiled testimony, promptly upon request. Except as so modified, discovery shall be in accordance with Part VI of the Rules.